

FINDING OF EMERGENCY

The California Health Facilities Financing Authority (the “Authority”) intends to implement these regulations on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.l. Welfare and Institutions Code section 5848.6 provides statutory authorization for implementation of these regulations “be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.”

Government Code Section 11346.l(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. To this end, the Authority posts the proposed emergency regulations on its website and simultaneously disseminates notice of the proposed emergency action to all persons who have filed a request for notice.

After submission of the proposed emergency regulations to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6. To determine the Office of Administrative Law five day comment period, please check <http://www.oal.ca.gov/> often.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

In addition to the statutory authorization for these regulations to be deemed an emergency, the Authority offers the following specific facts:

1. There is a grossly unmet need for mental health crisis services for individuals with mental health disorders. Recent events throughout the country continue to spotlight this need. Individuals with mental health disorders are not receiving the services needed or the services provided are minimal, and oftentimes for those who might be fortunate enough to receive some services, the provided services treat only the crisis at hand and follow up is largely non-existent.

2. The Legislature, as well as the people of California, has recognized the dire need for crisis services by the following actions:

- a. The Mental Health Services Act, (enacted by the voters as Proposition 63 at the November 2004 statewide general election), established the continuously appropriated Mental Health Services Fund to fund various county mental health programs.

b. The Investment in Mental Health Wellness Act of 2013, created by the signing of Senate Bill (SB) 82, provides additional monies to counties or counties acting jointly to improve access and capacity for crisis services for Californians affected by mental health disorders. The provisions of SB 82 (Chapter 34, Statutes of 2013) authorize the Authority to adopt emergency regulations to provide counties and counties acting jointly, with grant funds for crisis capacity and program expansion projects. It is only through the adoption of regulations that the Authority will be able to accept Grant Applications from eligible Applicants and thereby release funds to the counties for Projects to increase the delivery of crisis services to those affected by mental health disorders.

3. Delay in the implementation of these regulations would conflict with the statutory directives that emergency regulations be adopted for the provisions of SB 82.

INFORMATIVE DIGEST

The Authority was established in 1979 and operates pursuant to the California Health Facilities Financing Authority Act in the California Government Code Sections 15430-15462.5.

Welfare and Institutions Code Section 5848.5 charges the Authority with the responsibility of developing regulations to establish specific selection criteria for Grant awards, define eligible costs, and determine minimum and maximum grant amounts for the purpose of increasing crisis capacity for client assistance and services in:

- a. Crisis intervention
- b. Crisis stabilization
- c. Crisis residential treatment
- d. Rehabilitative mental health services
- e. Mobile crisis support teams

Additionally, the Legislature charges the Authority, through Section 5848.5 subdivision (b)(3) to ensure that the objective of “at least 25 mobile crisis support teams and at least 2,000 crisis stabilization and crisis residential treatment beds to bolster capacity at the local level” is achieved.

To comply with the statutory mandate, these regulations provide the framework for eligible parties to apply for grant funds to expand mental health crisis services throughout California. The regulations include relevant definitions; descriptions of eligible applicants, projects, and costs; maximum grant amounts by county and by applicant; the application process; the evaluation criteria the Authority will use to make grant award determinations; the process by which allocations will be made; the terms and conditions grant recipients will need to agree to; and other provisions related to the administration of the Program.

The Authority anticipates these proposed regulations will benefit individuals with mental health disorders through the awarding of Grant funds for the specific purpose of increasing crisis services to this population. These proposed regulations are compatible and consistent with the intent of the Legislature in adopting Welfare and Institutions Code sections 5848.5 and 5848.6..

COST ESTIMATE

1. Costs or Savings to State Agencies: No Impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No Impact
4. Federal Funding to State Agencies: No Impact

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

AUTHORITY AND REFERENCE CITATIONS

The Authority adopts these regulations under the authority granted in Sections 5848.5 and 5848.6, Welfare and Institutions Code.